

United States Senate

SELECT COMMITTEE ON ETHICS

January 31, 2023

Dear Colleague:

The Select Committee on Ethics (the Committee) is sending this letter to promulgate updated *Regulations and Guidelines Governing Privately Sponsored Travel* (the *Regulations*) and announce the launch of a new web application (the PST Travel App) for privately sponsored travel planning.

Pursuant to the Honest Leadership and Open Government Act of 2007 (HLOGA) and Senate Rule 35.2, the Committee must approve all privately sponsored travel in writing in advance of travel. Privately sponsored travel is defined as travel related to official duties but paid for by a private entity. The HLOGA and Senate Rule 35.2 also require the Committee to promulgate standards and processes for travel review and approval. **Effective for all travel beginning on or after January 31, 2023, the Committee has issued updated *Regulations*.** The updated *Regulations* will provide greater clarity regarding the standards governing privately sponsored travel, increase efficiency in the approval process, and continue to protect against conflicts of interest. The updated *Regulations* and an executive summary of changes are attached to this letter and are available on the Committee's website.

In addition to the updated *Regulations*, **the Committee is releasing the PST Travel App to manage requests for approval of privately sponsored travel.** Effective immediately, Senate travelers and travel sponsors may submit requests for approval and related documents through the PST Travel App, available at <https://pst.senate.gov>. While the Committee encourages all travelers and sponsors to use the PST Travel App to streamline the review process, should you prefer, paper forms remain available on the Committee's website at <https://ethics.senate.gov>.

As always, please do not hesitate to contact the Committee if you have any questions or concerns with the updated *Regulations* or the PST Travel App.

Sincerely,

Christopher A. Coons
Chairman

James Lankford
Vice Chairman

Enclosure: *Regulations and Guidelines Governing Privately Sponsored Travel*

United States Senate

SELECT COMMITTEE ON ETHICS

Updated *Regulations and Guidelines for Privately Sponsored Travel*

Effective January 31, 2023, the Select Committee on Ethics (the Committee) issued updated *Regulations and Guidelines for Privately Sponsored Travel (Regulations)*.

Travel Portal: Senate travelers and travel sponsors may request privately sponsored travel and track approval through a new online web application available at pst.senate.gov.

The updated *Regulations* do not change the prior guidance substantively, but do provide clarifications on privately sponsored travel requests, including:

- **Permissible involvement of lobbyists and foreign agents in privately sponsored travel:** To clarify the *de minimis* standard, the *Regulations* offer specific examples of permissible and impermissible involvement by lobbyists and foreign agents.
- **Holiday deadlines:** Pre-travel and post-travel packages have 30 day deadlines. If the pre-travel deadline falls on a weekend or federal holiday, the pre-travel package is due by the close of the next business day.
- **Trip length calculations:** The *Regulations* clarify permissible trip length:
 - Trips outside the continental United States sponsored by a private organization that does not employ or retain a lobbyist or foreign agent: Up to **seven days** (seven 24-hour periods);
 - Trips within the continental United States sponsored by a private organization that does not employ or retain a lobbyist or foreign agent: Up to **three days** (three 24-hour periods);
 - Trips sponsored by a private organization that employs or retains a lobbyist or foreign agent: **One day**.
- **Trip extensions and modifications:** The *Regulations* clarify existing Committee practice by offering express guidance on trip extensions and modifications.
- **Post-travel paperwork:** Senate travelers must publicly disclose their travel by filing a post-travel package with the Secretary of the Senate, Office of Public Records within 30 days of the last day of travel. Trip extensions do not extend this deadline. If the post-travel deadline falls on a weekend or federal holiday, the post-travel package is due by the close of the next business day.

For more information, consult the relevant laws, rules, and standards of conduct, or contact the Committee at (202) 224-2981 for advice concerning your specific situation.



**U.S. SENATE SELECT
COMMITTEE ON ETHICS**

Regulations and Guidelines for Privately Sponsored Travel

Updated: November 2023

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I. Introduction

A. Overview

Senate Rule 35 (the Gifts Rule) prohibits Senate Members, *officers*, and *employees* from accepting gifts, including gifts of travel, unless an exception applies. Incorporating reforms from the Honest Leadership and Open Government Act of 2007 (HLOGA),¹ Senate Rule 35.2 permits Members, officers, and employees to accept unsolicited gifts of necessary transportation, lodging, and related expenses from a private source for travel in connection with the traveler's official Senate duties *with the prior written approval of the Select Committee on Ethics* (the Committee).

These Regulations contain the requirements for seeking and receiving Committee approval consistent with HLOGA, Senate Rule 35, and related standards of conduct.

B. Authority

These Regulations are issued pursuant to the Committee's authority under § 544(b) of HLOGA and Senate Rule 35.6, and supersede the Regulations and accompanying glossary issued by the Committee in 2007. These Regulations are effective for all trips beginning on or after January 31, 2023.

C. Scope

These Regulations govern all gifts of travel approved under Senate Rule 35.2. The Regulations do not apply to travel accepted under another provision of the Gifts Rule, including:

- travel for which the traveler or the Senate office pays fair market value pursuant to Senate Rule 35.1(c)(1);
- travel provided by the federal government or a state or local government pursuant to Senate Rule 35.1(c)(16);
- travel provided by a foreign government under the Foreign Gifts and Decorations Act (FGDA)² or the Mutual Educational and Cultural Exchange Act of 1961 (MECEA)³ pursuant to Senate Rule 35.1(c)(15); and
- travel provided in connection with an outside activity that is not connected to the duties of the traveler as an officeholder pursuant to Senate Rule 35.1(c)(7).

¹ Pub. L. 110–81, Sept. 14, 2007.

² 5 U.S.C. § 7342.

³ 22 U.S.C. § 2458a.

The Committee's approval of a traveler's participation in privately sponsored travel refers only to compliance with these Regulations, HLOGA, Senate Rules, and related standards of conduct. Other federal, state, or local laws, rules, and regulations may also apply.

D. Defined Terms

Any term that appears in *shaded italics* has a special meaning for purposes of these Regulations. Such terms are defined in Section V, *infra*.

II. Approval Process

A. Pre-Travel

Senate Members, *officers*, and *employees* may only accept gifts of privately sponsored travel with the Committee's prior written approval. The Committee will not retroactively approve any trip governed by these Regulations.

To request Committee approval, Senate Members, officers, and employees must submit a pre-travel package to the Committee no later than 30 days prior to the departure date of a proposed trip. The Committee will not approve privately sponsored travel for employees who submit pre-travel packages fewer than 30 days prior to the departure date of a trip. The Committee maintains a [Travel Calculator](#) on its website to assist in calculating travel package due dates. If the 30-day deadline falls on a weekend or federal holiday, the travel package is due by the close of the next business day.

Senate Members, officers, and employees may submit the pre-travel package to the Committee in hard copy, or through the Committee's online Travel Portal, available at <https://pst.senate.gov>.

The Committee will not accept a pre-travel package that is incomplete. A pre-travel package must contain the following documents:

- An unsolicited invitation from the *sponsor*;
- A completed and signed *Private Sponsor Travel Certification Form*, including any necessary attachments;
- A detailed, hour-by-hour itinerary, including each event or activity the Senate traveler will attend; sufficient detail to assess the substance and duration of each activity; arrival and departure information for the Senate traveler; and any necessary attachments; and
- A completed and signed copy of the *RE-1: Employee Pre-Travel Authorization Form* (employees only).

Senate travelers must retain copies of all relevant travel forms and documents.

The Committee will review completed travel packages. The Committee may, if necessary, contact the sponsor or the Senate traveler with questions, a request for additional information, or a request for revised travel materials. If the trip complies with the Regulations, the Committee will issue an approval letter to the Senate traveler. If the trip does not comply with the Regulations, Committee staff will notify the sponsor and Senate traveler, but will not issue a letter to the traveler.

The Committee approves individual *travelers*, not *trips*. Accordingly, each Senate Member, officer, and employee must receive their own approval letter from the Committee and may not rely on the Committee's approval of another Member, officer, or employee taking part in the same trip.

Material changes to a trip that occur after the Committee has issued an approval letter may invalidate the Committee's approval. Any Senate traveler with Committee approval to participate in a trip must notify the Committee as soon as possible if there is a material change to the trip. Material changes include, but are not limited to, changes to the dates of the trip, the expenses paid by the sponsor, and the itinerary.

Similarly, the Senate traveler must notify the Committee in the event that the trip is canceled or if the traveler no longer intends to participate in the trip.

B. Post-Travel

A Senate Member, *officer*, or *employee* must publicly disclose their participation in travel approved under these Regulations by filing a post-travel package with the Secretary of the Senate, Office of Public Records, within 30 days of the last day of travel. Trip extensions for any purpose do not extend this deadline. If the post-travel deadline falls on a weekend or federal holiday, the post-travel package is due by the close of the next business day. The Committee maintains a [Travel Calculator](#) on its website to assist in calculating post-travel package due dates.

A post-travel package must contain the following documents:

- a copy of the unsolicited invitation from the *sponsor*;
- a copy of the **final** *Private Sponsor Travel Certification Form*, including any necessary attachments;
- a copy of the **final** itinerary with arrival and departure information for the Senate traveler, including any necessary attachments; and
- *for Members and officers:*
 - a completed and signed *RE-3: Senators and officers Post-Travel Disclosure of Travel Expenses Form*

- *for Employees:*
 - a completed and signed *RE-2: Employee Post-Travel Disclosure of Travel Expenses Form*
 - a copy of the **final** *RE-1: Employee Pre-Travel Authorization Form*.

Senate travelers must retain copies of all relevant travel forms and documents. Given that revisions to the pre-travel package may occur after the Senate traveler's initial submission of the travel package, the Committee recommends contacting the trip sponsor prior to submitting the post-travel package to ensure that the Senate traveler has the final approved materials.

If a Senate traveler is a *reporting individual*, they must include the travel on Part 6 of their Financial Disclosure Report *only if* they do not file their post-travel package with the Office of Public Records within 30 days of the last day of the trip, as required by these Regulations.

Filing an accurate and complete post-travel package is a necessary condition of complying with these Regulations. The Committee reviews all filed post-travel packages. If a filing is deficient, the Committee will contact the Senate traveler to amend the filing.

III. Standards

A. Purpose of Travel

To receive approval for privately sponsored travel under these Regulations, Senate travelers must demonstrate that a proposed trip is related to their official duties.

Senate *employees* must provide a written certification from their *supervising Member or officer* that the travel relates to their official duties and will not create the appearance that the employee is using public office for private gain. The Committee will give the supervising Member or officer's determination great weight. Staffing a Member, officer, or other employee is not, by itself, a sufficient connection to official duties to justify privately sponsored travel when no other official purpose exists for the traveler's attendance.

Senate Members and officers generally do not need to provide a similar pre-certification for their own travel, but the Committee may on a case-by-case basis require a written explanation as to how participation in a given trip relates to the Member's or officer's official or representational duties.

The Committee will review itineraries to ensure the length of the trip and the scheduled activities are consistent with the official purpose of the trip. As a general matter, each day of a trip must contain a minimum of six (6) hours of substantive, officially related activities for all Senate travelers. The Committee will consider the amount of time spent traveling each day when determining whether the substantive, officially related activities are sufficient for approval. Long periods of unscheduled activity can create the appearance that a trip is primarily recreational or otherwise does not have an official purpose. The Committee therefore expects that for travel days involving no substantive activity, travelers arrive in the trip location in the evening and depart the trip location in the morning.

Privately sponsored travel must also comply with Senate Rule 38, which prohibits Senate offices from accepting supplementation, in funds or in kind, from outside entities. Therefore, while privately sponsored travel must be related to official duties in order to comply with these Regulations, a Senate Member, officer, or employee may not accept travel from a private source to perform a core Senate function, such as appearing before a federal agency or taking part in events sponsored by a Senate office.

Finally, campaign activity is not related to official duties and is not a permissible purpose for privately sponsored travel. The Committee will review itineraries to ensure a trip does not create the appearance that the Senate traveler is using the travel for campaign activity.

B. Sponsors

1. General Provisions

The Committee will assess whether there is a direct and immediate relationship between a sponsor and a trip. A *sponsor* is any person or entity, other than a *grantmaking organization*, that contributes funds or in-kind support, directly or indirectly, for a specific trip or congressional travel generally. A trip may have multiple sponsors. All sponsors must have a significant role in organizing and conducting the trip. When a trip has multiple sponsors, each sponsor must separately complete the required certifications and provide the requested information regarding the trip. If any sponsor retains or employs a *lobbyist* or *foreign agent*, the restrictions and prohibitions in these Regulations regarding trips sponsored by a lobbyist or foreign agent (*see* Section III.B.3, *infra*) govern the trip, even if the other sponsors would not otherwise be subject to those restrictions.

All sponsors must show a specific organizational interest in the purpose of a trip. In evaluating a sponsor's organizational interest in the purpose of a trip, the Committee will consider:

- the stated mission of the organization sponsoring the trip;
- the organization's prior history of sponsoring congressional travel, if any; and
- the educational activities performed by the organization other than sponsoring congressional travel.

2. Third Party Support

A *sponsor* may not accept contributions from any source *earmarked* for a specific trip or congressional travel generally except as described in this section.

A sponsor may use unrestricted funds received from third parties when the funds have not been earmarked for a specific trip or congressional travel generally.

A sponsor may use funds earmarked for a specific trip or congressional travel generally when the funds come from the federal government or a state or local government, or when the funds come from a *grantmaking organization*. A grantmaking organization may provide funds only if the grantmaking organization:

- is a § 501(c)(3) organization;
- is not a *lobbyist*, *lobbying firm*, or *foreign agent*, nor an entity that retains or employs a lobbyist or foreign agent;
- provides funds under an established grant program, or in a manner that is otherwise consistent with the mission and practices of the organization;
- is not involved, directly or indirectly, in organizing and conducting the trip, including selecting participants for a trip; and
- does not directly pay or reimburse travel expenses for any Senate Member, *officer*, or *employee*.

If a sponsor receives funds from a grantmaking organization, the sponsor must disclose this on the *Private Sponsor Travel Certification Form*, and the grantmaking organization must complete the *Grantmaking Organization Certification Form*.

3. Lobbyist and Foreign Agent Restrictions

a. Sponsorship

No *lobbyist*, *lobbying firm*, or *foreign agent* may sponsor or contribute funds or in-kind support to a trip, directly or indirectly, regardless of whether the funds are subsequently reimbursed.

An entity that retains or employs a lobbyist or foreign agent may not sponsor a trip unless the trip is for a one-day event (*see* Section III.C.1, *infra*), or the entity is an organization designated under § 501(c)(3) of the Internal Revenue Code of 1986.

b. Trip Planning and Organization

No *lobbyist* or *foreign agent* may plan, organize, arrange, or request travel. This restriction does not prohibit certain *de minimis* participation by a lobbyist or foreign agent. As a general matter, *de minimis* means negligible or inconsequential. The Committee has identified the following activities as examples of *de minimis* participation:

- in response to a *sponsor's* request, identifying Senate Members, *officers*, or *employees* with a possible interest in a particular issue relevant to a planned trip; and

- serving on the board of an organization sponsoring travel without any involvement in the trip.

The Committee has identified the following activities as examples of exceeding *de minimis* participation:

- soliciting or initiating an exchange of information with a sponsor about a trip;
- controlling which Senate Members, officers, or employees are invited on a trip;
- being listed or mentioned in or on an invitation extended by another entity or individual;
- signing the *Private Sponsor Travel Certification Form* in hard copy or in the Committee's Travel Portal;
- extending, forwarding, or following up on a trip invitation; and
- planning, arranging, or determining any part of a trip itinerary.

Example: A § 501(c)(3) organization sponsoring a trip asks a lobbyist to recommend staffers who might be most interested in joining a trip to the U.S.-Mexico border. If the lobbyist knows a staffer who has a particular interest in the Drug Enforcement Administration's (DEA) activities at the border, providing that information in response to the trip sponsor's request would not in and of itself exceed a *de minimis* level of participation. However, it would not be permissible for the lobbyist to initiate contact with the sponsor to suggest that a particular Senate employee is invited or for the sponsor to include the lobbyist's name in the invitation to the traveler.

c. Trip Accompaniment

For all trips, *lobbyist* and *foreign agent* accompaniment is restricted. The scope of the restriction depends on the length of the trip.

For trips where all activities take place on one day, consistent with the restrictions of Section III.C.1, *infra*, a lobbyist or foreign agent may not accompany a Senate traveler on *any segment of the trip*, but may accompany a Senate traveler at events in the trip location.

For all other trips, a lobbyist or foreign agent may not accompany a Senate traveler at *any point throughout the trip*.

Both of these “accompaniment” prohibitions include a *de minimis* exception. As a general matter, *de minimis* means negligible or inconsequential. In determining whether a lobbyist or foreign agent’s accompaniment is *de minimis*, the Committee will consider the totality of the circumstances, including, but not limited to:

- the nature of the event;
- the amount of time a lobbyist or foreign agent is present at the event;
- the amount of contact between the lobbyist or foreign agent and the Senate travelers; and
- the level of control by the trip *sponsor* over such contact.

The Committee considers a lobbyist or foreign agent’s presence *de minimis* when their presence is merely coincidental. For example, if a trip includes attendance at an event put on by a third party, it is possible that a lobbyist or foreign agent could attend the event without the sponsor’s knowledge or involvement. Such coincidental attendance is *de minimis*. Similarly, the coincidental presence of a lobbyist or foreign agent as another passenger on a common carrier used during a trip, without the sponsor’s knowledge or involvement, is *de minimis*.

The Committee does not consider lobbyist accompaniment *de minimis* where a trip itinerary includes a lobbyist or foreign agent. For example, a lobbyist or foreign agent’s participation as a speaker or panelist at an event appearing on a trip itinerary is not *de minimis* accompaniment.

Note that the above restrictions applicable to lobbyists and foreign agents apply regardless of whether the lobbyist or foreign agent is registered to represent the trip sponsor.

4. Sponsor Misconduct

In its discretion, the Committee may decline to approve any trip where the *sponsor* has made material misrepresentations to the Committee, violated applicable law, Senate Rules, or related standards of conduct, or previously sponsored a trip that led to a Committee investigation.

C. Time Limits

The maximum permissible length of a trip depends on the trip *sponsor* and the trip location.

1. Trips Sponsored by Private Entities that Retain or Employ a Lobbyist or Foreign Agent

Trips sponsored by entities that retain or employ a *lobbyist* or *foreign agent* may not exceed **one (1) day**, exclusive of travel time and one overnight stay, regardless of whether the trip takes place within the continental United States or outside the continental United States. The Committee may approve a second overnight stay if the *sponsor* establishes in writing that a two-

night stay is practically required and necessary to accomplish the purpose of the trip. The Committee will examine these requests on a case-by-case basis and will consider:

- the significance of the travel time (e.g., length of travel, requirement for connecting flights to reach destination);
- the availability of transportation to or from the location of the one-day event;
- the start and end time of the day’s official activities; and
- any other exceptional circumstances described in writing prior to the trip.

Regardless of whether one or two overnight stays are approved, all scheduled officially-connected activities must take place on one calendar day (i.e., from 12:01 a.m. to 11:59 p.m.). The sponsor may pay for meals and expenses for the overnight stays but may not plan or sponsor any activities for the Senate traveler on those days.

Example: A trade association that employs a lobbyist invites a Senator to speak at the group’s annual conference in Seattle. The conference is scheduled to take place from 9:00 a.m. to 6:00 p.m. on a Saturday, with a concluding dinner taking place from 7:00 p.m. to 9:00 p.m. the same day. The trade associating is also planning a welcome reception on the Friday evening before the conference.

The trade association **may**:

- Invite the Senator to attend all events, including the final dinner, taking place on Saturday.
- Provide a flight arriving Friday evening rather than Saturday morning, or a flight departing Sunday morning instead of Saturday evening, or, if practically required and necessary to accomplish the purpose of the trip, both.

The trade association **may not**:

- Invite the Senator to attend the welcome reception on Friday evening, regardless of when the Senator arrives on Friday or departs on Saturday.

2. Trips Within the Continental United States Sponsored by Private Entities that Do Not Retain or Employ a Lobbyist or Foreign Agent, or by § 501(c)(3) Organizations

Entities that do not retain or employ a *lobbyist* or *foreign agent* may sponsor trips within the continental United States of up to **three (3) days**. The three-day time limitation means three 24-hour periods, calculated from the time the traveler arrives in the trip location (“wheels down”) to the time the traveler departs the trip location (“wheels up”).

Non-profit organizations designated as tax-exempt organizations under § 501(c)(3) of the Internal Revenue Code of 1986 may also sponsor domestic trips of up to three days regardless of whether they retain or employ a lobbyist or foreign agent. However, as described in Section III.B.3.c, *supra*, any trip that exceeds one day is subject to the more restrictive lobbyist accompaniment standard.

3. Trips Outside the Continental United States Sponsored by Private Entities that Do Not Retain or Employ a Lobbyist or Foreign Agent, or by § 501(c)(3) Public Charities

Entities that do not retain or employ a *lobbyist* or *foreign agent* may sponsor trips outside the continental United States of up to **seven (7) days**. Like the three-day limitation, the seven-day limitation means seven 24-hour periods, calculated from the time the traveler arrives in the trip location (“wheels down”) to the time the traveler departs the trip location (“wheels up”).

Section 501(c)(3) organizations may also sponsor foreign trips of up to seven days regardless of whether they retain or employ a lobbyist or foreign agent. However, as described in Section III.B.3.c, *supra*, any trip that exceeds one day is subject to the more restrictive lobbyist accompaniment standard.

A trip that involves stops both within and outside the continental United States may be up to seven days, but all parts of the trip within the continental United States combined must not exceed 72 hours.

Consistent with 26 U.S.C. § 4941, a non-profit entity designated under § 501(c)(3) of the Internal Revenue Code as a “private foundation,” as opposed to a “public charity,” may not sponsor travel outside the United States.

D. Type and Amount of Expenses

1. General Rule

A *sponsor* may only provide or reimburse necessary expenses in connection with travel. Necessary expenses are generally limited to reasonable expenditures for transportation, lodging, and food and refreshments. Necessary expenses may also include reasonable miscellaneous expenses such as interpreter fees, conference fees, visa fees, and similar expenses. The sponsor may also pay necessary expenses for either the spouse or child of a Member, *officer*, or *employee* (but not both), subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

Necessary expenses do not include expenses for entertainment other than that provided to all attendees as an integral part of the event; expenses for recreational activities; or expenses associated with appearances or activities unrelated to the sponsor’s event.

The Committee will evaluate all expenses paid by a sponsor to determine whether they are reasonable. The Committee's evaluation will include a review of all circumstances of the trip, including but not limited to the official purpose of the trip, the trip sponsor, the length of the trip, and the trip location. When evaluating the reasonableness of expenses, either individually or in total, the Committee will give weight to a *supervising Member or officer's* determination that the trip will not create the appearance that the Senate traveler is using their public office for private gain. The Committee will also evaluate the reasonableness of specific expenses as detailed below.

2. Transportation

A *sponsor* may generally provide only coach or business class travel. Travel on a *private aircraft* is prohibited.

First-class or commercial charter transportation is permissible only with the specific prior written approval of the Committee. The Committee may, but is not required to, grant such approval only in exceptional circumstances, and when one or more of the following limited conditions are present:

- the flight exceeds 14 hours;
- the traveler has a medical disability or other special need;
- there are bona fide security concerns;
- no scheduled flight for the route exists; or
- the trip involves other exceptional circumstances as determined in the Committee's discretion.

Additionally, in order to provide commercial charter transportation, the sponsor must provide documentation that the charter plane is operated or paid for by either (a) an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules, or (b) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and required to be conducted under air carrier safety rules.

A traveler may use personal frequent flyer or similar travel awards to upgrade to first-class as long as the traveler pays all expenses related to the upgrade.

3. Meals and Lodging

As with officially related travel across the federal government, expenses for meals and lodging for privately sponsored travel must generally fall within the maximum per diem rates for official federal government travel published annually by the General Services Administration, the Department of State, and the Department of Defense. Meal and lodging expenses above the government per diem will be considered only where the Committee determines that such expenses are necessary given the circumstances of a specific trip.

The Committee will generally not approve expenses over the government per diem when the trip was organized *with regard to congressional participation*.

In its discretion, the Committee may, but is not required to, approve expenses over the government per diem when the trip was organized *without regard to congressional participation*, and the meals and lodging provided to the Senate travelers are the same as are provided to all non-Congressional attendees.

In determining whether to approve meal and lodging expenses that are over the government per diem, the Committee will consider:

- the nature and purpose of the trip;
- the cost, location, and type of the facility;
- any bona fide security concerns;
- the size of the facility in relation to the number of attendees; and
- any other factor deemed relevant by the Committee.

The meal and lodging expenses must be reasonable and must not create the appearance that the Senate traveler attending the event is using their public office for personal gain, including for recreational purposes. Travel costs that significantly exceed the relevant government per diem rate are presumptively unreasonable.

4. Expenses for an Accompanying Spouse or Child

Senate Members, *officers*, and *employees* may accept a *sponsor's* offer of necessary expenses for an accompanying spouse or child (but not both), provided:

- the sponsor specifically invites the spouse or child to accompany the Senate traveler;
- the invitation is unsolicited; and

- the Member or officer (or in the case of a Senate employee, the employee's *supervising Member or officer*) determines in writing that the spouse or child's attendance is appropriate to assist in the representation of the Senate.

Notwithstanding the standards governing necessary expenses for Senate travelers described in ¶ III.E, *infra*, with respect to transportation expenses for an accompanying spouse or child, the Committee may, but is not required to, approve a trip sponsor's unsolicited offer of transportation from a different point of departure or return as the Senate traveler. In evaluating such a request, the Committee will consider:

- the cost and complexity of arranging an alternative travel route for the accompanying spouse or child;
- the explanation for how facilitating travel on shared flights advances the purpose of the trip;
- the reason the accompanying spouse or child is beginning or ending travel in a different location, including whether the accompanying spouse or child is returning to their primary residence in the Senate traveler's home state; whether the accompanying spouse or child is traveling from or to a different location for official government business; and whether the alternative route for the accompanying spouse or child facilitates recreational or otherwise personal purposes; and
- any other factor deemed relevant by the Committee.

In no other instance may a sponsor pay or reimburse any expense for the accompanying spouse or child that could not be paid or reimbursed for the Senate traveler.

5. Reasonable Miscellaneous Expenses

The *sponsor* may provide or reimburse reasonable miscellaneous expenses when such expenses are necessary for the official purpose of the trip. Whether an expense is considered necessary depends on the nature of the particular trip. Reasonable miscellaneous expenses generally include interpreter fees, visa fees, and conference fees. Reasonable miscellaneous expenses may, on a case-by-case basis, include expenses for vaccines and trip insurance. Reasonable miscellaneous expenses do not include personal expenses or recreational expenses (e.g., laundry expenses, sightseeing tours, theater or concert visits).

6. Prohibited Expenses

The following expenses are not considered *necessary expenses* and will not be approved by the Committee:

- transportation on a *private aircraft*;
- recreational activities;

- personal expenses, such as laundry services;
- entertainment, unless provided to all attendees as an integral part of the event; and
- first-class or commercial charter transportation, other than as described above.

Expenses for alcohol may only be approved if offered as part of a meal, reception, or other event that is necessary to the official purpose of the trip and attended by individuals other than Members, officers, and employees of Congress.

E. Travel Route and Modifications

1. Permissible Trip Location

No Senate Member, *officer*, or *employee* may accept privately sponsored travel to a location within their *duty station*. All travel approved under these Regulations must involve only events taking place outside the Senate Member, officer, or employee's duty station.

2. Modifications to Point of Origin and Return

Senate travelers are expected to participate in the trip as planned by the trip *sponsor* except as follows:

A Senate traveler may modify their point of departure or return to facilitate an *official* purpose if the Senate office pays any difference in cost between the modified travel and the travel as originally planned.

A Senate traveler may modify their point of departure or return to facilitate a *personal* purpose only if the Senate traveler pays *all* transportation expenses in connection with that side of the trip.

All trip modifications must be approved by the Committee, and must not create an appearance, as determined in the sole discretion of the Committee, that the Senate traveler is using the resources of the sponsoring entity for personal gain or to supplement impermissibly the work of the Senate office.

Example: A trip sponsor offers a Senator privately sponsored travel to view a facility in Atlanta, Georgia. At the conclusion of the trip, instead of returning to Washington, D.C., the Senator wishes to continue on to Miami, Florida for other official meetings. Because the alternative route is for an official purpose, the Senator *may* accept transportation from Atlanta to Miami instead of Atlanta to Washington, D.C. If the cost of transportation from Atlanta to Miami is greater than the cost of transportation from Atlanta to Washington, D.C., the Senate office must pay the difference.

3. Extensions

When a traveler extends their trip by arriving earlier or staying later than scheduled by the *sponsor*, this is a trip extension. Prior written Committee approval is required for all trip extensions, regardless of whether the traveler is extending for an official or personal purpose. In the case of a Senate *employee*, the individual's supervising Senator or officer must also approve the extension.

Under no circumstance may a trip sponsor pay expenses attributable to a trip extension. At a minimum, the Senate traveler is responsible for the cost of any increase in expenses incurred because of a personal extension, and all meal and lodging expenses associated with the extension day(s). For officially-related extensions, consistent with Senate Rule 38, the Senate office must pay all additional expenses.

The Committee will determine the expenses the Senate traveler or Senate office will be required to pay based on a review of the totality of the circumstances of the trip, including the length and purpose of the extension, as follows:

- If an extension is *equal to or less than* the length of the trip, the traveler may accept transportation to and from the trip location. Any additional expenses incurred as a result of the extension must be paid by the traveler (for personal extensions) or the Senate office (for official extensions).
- If an extension is *greater than* the length of the trip and on one side of the trip, the Senate traveler may only accept transportation from the sponsor on the side of the trip that is continuing as scheduled. The Senate traveler (for personal extensions) or the Senate office (for official extensions) must pay all transportation costs on the side of the trip with the extension. As with all extensions, the Senate traveler must also pay any additional expenses incurred as a result of the extension.
- If an extension is *greater than* the length of the trip and on both sides of the trip, or *significantly greater than* the length of the trip (e.g., more than double) and on one side of the trip, the Senate traveler (for personal extensions) or Senate office (for official extensions) must pay all transportation costs to and from the trip location, as well as any additional expenses incurred as a result of the extension.

In determining whether to approve an extension, the Committee will also consider whether special circumstances support extending the trip, such as restrictions on travel due to religious observances or for medical reasons.

IV. Violations and Remedies

A Senate Member, *officer*, or *employee* who accepts privately sponsored travel without receiving prior written approval from the Committee must notify the Committee as soon as possible and promptly reimburse the *sponsor* for all travel expenses. The Member, officer, or employee must provide the Committee with written confirmation reflecting the reimbursement. The Committee may deem participation in a trip that is materially different from the trip approved during the pre-travel process to be participation without approval, subject to the same remedy.

If a Senate Member, officer, or employee fails to file the required post-travel package, the Committee may decline to approve future travel for that Member, officer, or employee.

If a sponsor makes a material misrepresentation to the Committee or violates applicable law, rules, or related standards of conduct, the Committee may decline to approve privately sponsored travel, including future travel, offered by the sponsor.

If any individual makes materially false or misleading statements to the Committee, they may be subject to criminal penalties, including penalties for false statements under 18 U.S.C. § 1001, or other discipline by the Committee.

The Committee retains all disciplinary powers granted to it by its Rules of Procedure and Supplementary Procedural Rules.

V. Glossary

A. Any Point Throughout the Trip

At “any point throughout the trip” means during travel to and from the trip location(s) and at all times and events in the trip location(s).

B. Any Segment of the Trip

On “any segment of the trip” means on any part of the travel to and from the event, but not at events or other activities in the trip location(s).

C. Duty Station

All Senate Members, officers, employees have a duty station of record. The duty station is determined following regulations promulgated by the Senate Committee on Rules and Administration.

In general, the Washington, D.C. duty station encompasses the District of Columbia; the Maryland counties of Charles, Montgomery, and Prince Georges; the Virginia counties of Arlington, Fairfax, Loudon, and Prince William; the Virginia cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and the airport locations of Baltimore/Washington International Thurgood Marshall Airport, Washington Dulles International Airport, and Ronald Reagan Washington National Airport.

The duty station for other locations is generally defined as the 35 mile radius surrounding the duty station city, which is designated by the employee’s Senate office.

D. Earmarked

For purposes of these regulations, earmarking includes any direction, agreement, or suggestion, formal or informal, to use donated funds, goods, services, or other in-kind contributions for the purpose of financing, either directly or indirectly, a specific trip or congressional travel generally.

E. Employee

A Senate employee includes any employee whose salary is disbursed by the Secretary of the Senate, or who is required by Senate Rule 41 to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. This definition includes interns, fellows, and detailees.

F. Foreign Agent

A foreign agent is an agent of a foreign principal registered, or required to be registered, under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*

G. Grantmaking Organization

A grantmaking organization is a § 501(c)(3) organization that contributes funds or in-kind support, directly or indirectly, to a trip sponsor for a specific trip or congressional travel generally subject to the conditions described in Section III.B.1, *infra*.

H. Lobbyist

For purposes of these Regulations, a lobbyist is any person registered, or required to be registered, under the Lobbying Disclosure Act of 1995, as amended, 2 U.S.C. § 1601 *et seq.*

I. Lobbying Firm

For purposes of these Regulations, a lobbying firm is a person or entity that has one or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

An entity that employs a lobbyist to lobby only on its own behalf is not a lobbying firm for purposes of these Regulations, though such entities may be required to register their lobbyists under the Lobbying Disclosure Act.

J. Officer

The Senate officers are the President of the Senate, the President pro tempore, the Secretary of the Senate, the Sergeant at Arms, the Secretary for the Majority, the Secretary for the Minority, and the Chaplain.

K. Private aircraft

As described in Senate Rule 35.1(c)(1)(C)(ii), a private aircraft is any aircraft that is not operated or paid for by either (a) an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules, or (b) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and required to be conducted under air carrier safety rules.

L. Reporting individual

A reporting individual is anyone required to file Financial Disclosure Reports under Senate Rule 34 and the Ethics in Government Act of 1978, as amended.

This includes all Members, officers, employees whose rate of pay is at or above 120% of the basic rate of pay for GS-15, and Political Fund Designees as designated under Senate Rule 41.1. This also includes Senate fellows and detailees paid at or above 120% of the basic rate of pay for GS-15.

M. Sponsor

A sponsor is any person or entity, other than a grantmaking organization, that contributes funds or in-kind support, directly or indirectly, for a specific trip or congressional travel generally.

N. Supervising Member or officer

An employee's supervising Member or officer is the Member or officer under whose direct supervision the employee works.

O. With regard to congressional participation

A trip is organized "with regard to congressional participation" if it is not organized "without regard to congressional participation."

P. Without regard to congressional participation

A trip is organized "without regard to congressional participation" if all activities on the trip are part of an event (e.g., an annual meeting, conference, seminar, or symposium of a trade association, professional society, business association, or other membership organization) that would take place regardless of congressional participation.

If a trip includes any activities that would not take place regardless of congressional participation (e.g., a private dinner for congressional staff), the trip was organized "with regard to congressional participation," except that if a particular activity at a larger event (e.g., a single session at a conference) is dependent on a congressional traveler's participation as a speaker, panelist, etc., but a similar activity would take place if the congressional traveler were not participating, the event may still be considered "without regard to congressional participation."